

REMARKS

Claims 5-15, 19 and 20 remain in the application, all such claims stand rejected. By this Amendment, claims 5, 11 and 19 are currently amended. Claim 32 has been added. Claims 5, 11 and 19 are amended to clarify the claimed subject matter and are not intended to narrow the scope of the claims. No new matter has been added. Reconsideration in view of the amended claims is respectfully requested. Applicant respectfully submits that all pending claims are in condition for allowance.

Support for the amendment, “responsive to the identifying step” in claims 5 and 11 and “responsive to the means for identifying” in claim 19 is provided at least by the following statement in the specification: “In accordance with the present invention, a Logical Tunnel Channel (LTC) is established between Tx and Rx *when a frame gets lost during a normal transmission.*” (see page 17, lines 8-10) (emphasis added). Further support may be found in Figs 5A and 5B.

I. FORMAL MATTERS

A. THE DRAWINGS HAVE BEEN ACCEPTED

Applicants acknowledge and thank the Examiner for accepting the drawings filed on January 28, 2004.

B. CLAIMS SATISFY THE REQUIREMENTS OF 35 U.S.C. §112

Applicants acknowledge and thanks the Examiner for withdrawing all previous rejections of the pending claims under 35 U.S.C. § 112.

II. THE CLAIMS DEFINE PATENTABLE SUBJECT MATTER

A. The Office Action rejects claims 5, 6, 8-15, 19 and 20 under 35 U.S.C. §102(b) over U.S. Patent 5,930,233 to Kanerva et al. This rejection is respectfully traversed in view of the afore-mentioned amendments to independent claims 5, 11 and 19. Kanerva fails to teach or suggest all of the features recited in claims 5, 11 and 19. In particular, claims 5 and 11 require that the second channel be used for sending a request for a retransmission of the lost frame. Moreover, that second channel is established responsive to the step in which a failure to successfully receive a lost frame is identified. This differs from the multi-channel configuration mentioned in Kanerva which is used to transmit data in parallel on multiple channels for high speed applications. Kanerva teaches using multiple channels without regard for whether there has been a lost frame identified.

For at least the reasons discussed above, Applicants respectfully submit that Kanerva fails to anticipate the subject matter of independent claims 5, 11 and 19. Accordingly, the applied references also fail to anticipate the subject matter of claims 6, 8-10, 12-15, and 20, which depend from either claims 5, 11 or 19. Withdrawal of the rejection under 35 USC §102(b) is therefore respectfully solicited. Applicants respectfully submit that the rejection of claims 5, 11 and 19 and all claims depending there from under 35 USC §102(b) should be withdrawn.

B. The Office Action rejects claim 7 under 35 USC §103(a) over Kanerva in view of U.S. Patent 6,928,468 to Leermakers. This rejection is respectfully traversed in view of the amendment to independent claim 5 from which claim 7 depends. Accordingly, without waiving their rights to specifically challenge this rejection, including the combination of Kanerva and Leermakers, Applicants believe that claim 7 is now in condition for allowance.

DOCKET NO.: CING-0623/770.US.C1
Application No.: 10/767,246
Office Action Dated: February 15, 2006

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

C. New Claim is Patentable

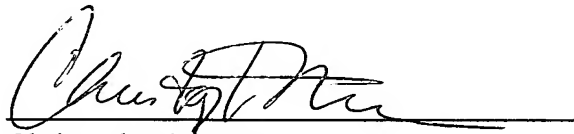
Claim 32 has been added and is also patentable. The cited references fails to teach or suggest, at a minimum, establishing a second channel between the data sending unit and the data receiving unit responsive to the identifying step to the feature.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,


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Date: August 15, 2006

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